

**MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING
MONDAY, DECEMBER 8, 2008**

**DEPARTMENT OF ENVIRONMENTAL QUALITY
2ND FLOOR TRAINING ROOM
629 EAST MAIN STREET
RICHMOND, VIRGINIA**

Board Members Present:

Hunter H. McGuire, III, Chairman
Clarence M. Dunnaville, Jr.
Donald L. Williams

Robert G. Crockett, Vice-Chairman
N. Howard Burns, Jr.

Board Members Absent:

Eric K. Sildon

Vacancy

Department of Environmental Quality:

David K. Paylor, Director

Cindy M. Berndt

Attorney General's Office:

Kerri L. Nicholas, Assistant Attorney General

The meeting was convened at 10:05 a.m. and adjourned at 12:15 p.m.

Minute No. 1 – Public Participation Guidelines – 9 VAC 20-11: Ms. Cindy M. Berndt, Director of the Office of Regulatory Affairs, presented the model Public Participation Guidelines for adoption. Ms. Berndt advised the Board that the Administrative Process Act (Act) requires all entities with authority to adopt regulations to establish, by regulation, Public Participation Guidelines (Guidelines) to be used for soliciting the input of interested persons in the formation and development of regulations. The existing Guidelines were adopted by each of the Boards in 1994 and are essentially identical.

Ms. Berndt explained that the 2008 General Assembly enacted House Bill 1167 which requires all entities with authority to adopt regulations to adopt new public participation guidelines developed by the Department of Planning and Budget in consultation with the Attorney General's Office. The goals of the model guidelines is to promote uniformity and consistency among state agencies and standardize the public participation process so that interested persons know how and when to comment and/or participate in various topics of interest.

Ms. Berndt reviewed the model public participation guidelines and responded to questions from the Board.

The Board, based on the Board book material, staff presentation and Board discussion, unanimously adopted the model public participation guidelines as presented; authorized the Department to insert the appropriate Virginia Administrative Code title and chapter numbers into the guidelines; authorized the Department to insert "Virginia Waste Management Board" where appropriate in the guidelines; and repealed 9 VAC 20-10 et seq.

Minute No. 2 - Virginia Solid Waste Management Regulations, Amendment 7, 9 VAC 20-81-10 et seq. - Proposed Regulations 2008: Ms. Leslie Beckwith, Ms. Debra Miller and Mr. Jason Williams with the Waste Division presented proposed amendments to the Solid Waste Management Regulations. They explained that Amendment 7 would (1) recodify the Virginia Solid Waste Management Regulation 9 VAC 20-80 into a more cohesive and concise regulation, (2) recodify the Solid Waste Management Regulation as 9 VAC 20-81 and (3) incorporate the Vegetative Waste Management and Yard Waste Composting Regulation, 9 VAC 20-101. In addition, they briefed the Board on other substantive changes including provisions for a pre-approved alternate liner design that does not require a variance submission; a pre-approved alternate cover design without a demonstration; consolidation of related topics; consolidation of exemptions and exclusions into one section; the addition of standards for Centralized Waste Treatment facilities; revisions to conform to existing statutes; the unauthorized waste control program is moved to the operation section of each type of facility; citation to the federal regulations where feasible; less burdensome standards for composting and other types of facilities that are higher in the waste hierarchy; a change from full permit to permit by rule status for composting facilities; and removal of the operations manual from the permit.

The Board, based on the Board book material, staff presentation and Board discussion, approved Amendment 7 as a proposed regulation and authorized public comment on (1) adoption of the proposed Solid Waste Management Regulations at 9 VAC 20-81 and (2) repeal of the existing Solid Waste Management Regulation at 9 VAC 20-80 and the Vegetative Waste Management and Yard Waste Composting Regulation at 9 VAC 20-101.

Minute 3 – Public Forum: Mr. Joe Levine from the New River Resource Authority appeared to discuss the regulatory development process utilized by the Department to draft Amendment 7 of the Solid Waste Management Regulation. Mr. Levine expressed appreciation for the process and the level of staff support devoted to the effort.

Minute No. 4 – Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders Report: Mr. John Ely with the Division of Enforcement Coordination presented a report on hazardous waste significant non-compliers and solid waste final orders for the period October 1, 2007 through September 30, 2008.

Minute No. 5 – Minutes: The Board approved the minutes from the meeting on December 12, 2007.

Minute No. 6 – Division Director’s Report: The Board received reports from staff on Waste Division activities, compliance and enforcement, Mercury Switch Program, Virginia Recycling Rate Report, Joint Legislative Audit and Review Commission Report on Recycling, Solid Waste Managed in Virginia and the Recycling Markets Development Council.

Cindy M. Berndt